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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007584-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert E. Haines et al.

Confirmation No.: 1659

Application No.: 09/976,625

Examiner: Thomas J. Lett

Filing Date: 10/11/2001

Group Art Unit: 2625

Title: Peripheral Device Management Methods, Peripheral Device Consumable Management Methods, and
Peripheral Device Consumable Management Apparatuses

Mail Stop Appeal Brief - Patents
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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on July 9, 2008.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

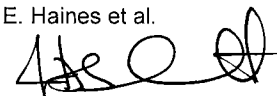
No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

Robert E. Haines et al.

By:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor.....Robert E. Haines et al.
Assignee..... Hewlett-Packard Development Company, L.P.
Group Art Unit 2625
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 Management Methods, and Peripheral Device Consumable Management
 Apparatuses

REPLY BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
 Commissioner of Patents
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Appellant respectfully asserts that the rejections set forth in the Office Action dated November 16, 2007 ("Office Action") are deficient for the reasons set forth in the Brief of Appellant (hereinafter "Brief") and the reasons herein. Appellant respectfully requests reversal of the rejections of the claims.

Argument A

Appellants respectfully submit that the 102 rejection of claims 43-52 and 63-64 over Sampath is improper for the reasons set forth in the Brief of Appellants and the reasons herein.

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Case No. 10007584-1
Reply Brief of Appellant*

For a proper anticipation rejection, MPEP 2131 (8th ed. , rev. 6) provides a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that the limitations of independent claim 43 reciting the peripheral device management method performed by a management apparatus comprises *first receiving identification information for a plurality of peripheral devices of a common network* are not disclosed nor inherent by the teachings of the prior art and the 102 rejection is in error for at least this reason.

The Office in the Office Action dated November 16, 2007 (hereinafter "Office Action") relied upon inherency from the teachings of U.S. Patent No. 6,892,317 to Sampath as allegedly teaching the limitations of *first receiving identification information for a plurality of peripheral devices of a common network*. Applicants respectfully submit that alternative exist apart from Appellants' claim limitations, and accordingly, the reliance upon inherency is misplaced since the claim limitations do not necessarily flow from the teachings of Sampath as is needed for proper reliance upon inherency. In particular, the Office must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). However, the teachings of the method performed by a management apparatus comprising *first receiving identification information for a plurality of peripheral devices of a common network* are not inherent from the teachings of the diagnostic server of Sampath since alternatives exist for the diagnostic server to obtain identification information for plural peripheral devices apart from the diagnostic server receiving the identification information for plural peripheral devices. In one example, the identification information of peripheral devices could initially exist in the diagnostic server and there would be no need for the diagnostic server to receive the identification information. Appellants respectfully submit that the explicit claim limitations of the method of receiving identification information for a plurality of peripheral devices is absent from the teachings of Sampath and is not

inherent in consideration of the existence of other viable alternatives apart from the claimed limitations.

Referring to page 11 of the Examiner's Answer, the Office refers to the Abstract of Sampath. The Abstract is void of any teaching that the diagnostic server 100 receives identification information let alone identification information for a plurality of peripheral devices as explicitly claimed.

Furthermore, at page 12 of the Examiner's Answer, the Office identifies col. 2, lines 6-13 and col. 6, lines 7-13 of Sampath. The teachings at col. 2 disclose that the diagnostic server monitors the printers and fails to disclose any teachings regarding the diagnostic server receiving identification information let alone receiving identification information for a plurality of peripheral devices. The teachings in col. 6 of Sampath refer to status data indicating an error of a printer which is processed by the diagnostic server 100. These teachings fail to disclose the claim limitations of the method of receiving identification information let alone receiving information for a plurality of peripheral devices.

Referring to the first full paragraph of page 12 of the Examiner's Answer, Appellants wish to clarify Appellant's position. The above-recited claim limitations of receiving identification information for a plurality of peripheral devices of a common network are not disclosed by Sampath as indicated by the Office's failure to identify teachings in Sampath which teach the limitations. Appellants further argue that the Office's reliance upon inherency to teach the above-recited limitations is erroneous since alternatives apart from the claimed limitations exist indicating that the claimed limitations do not necessarily flow from the teachings of Sampath as is required for proper reliance upon inherency.

The Office at page 12 of the Examiner's Answer states that the only way to successfully accomplish the task of getting the right remedy to the right machine is to receive the identifier with the machine's status/symptom. Initially, Appellants note that the Office is alleging that it is inherent for a printer with a problem to include an identifier in a communication to the diagnostic server. Appellants respectfully submit that even if considered to be inherent, a single printer having an error communicating its respective identifier fails to teach the claimed limitations of receiving identification information for a *plurality of peripheral devices of a common network*.

Next, Appellants respectfully submit that it is not inherent for a printer with an error to include an identifier with a communication from the printer. For example, the communications between the diagnostic server and the printer could be implemented using a dedicated communication link connected with only that single printer such that the mere presence of the communication on the communication link uniquely corresponds to the single printer without communicating any identification information. This existence of an alternative illustrates that the reliance upon inherency for teaching the limitations of receiving identification information for a plurality of peripheral devices of a common network is improper.

At the bottom of page 12, the Office again states that a symptom/fault must be linked to a device identifier. Consistent with the above, Appellants states that even if true, such communication of a single device identifier with the fault fails to teach the limitations of *receiving identification information for a plurality of peripheral devices*. Furthermore, there exist other alternatives apart from receiving the identification information with faults or failures such as using one or more dedicated line(s) for respective device(s) which failed and any communications upon the dedicated line(s) would indicate the identity of the failed device(s) without communication of identification information.

The existence of alternatives illustrates the improper reliance upon inherency in support of the 102 rejection since the claim limitations do not necessarily flow from the teachings of Sampath.

Referring to the first two paragraphs of page 13 of the Examiner's Answer, the printers of Sampath could each communicate via respective dedicated lines with the diagnostic server such that any communications from the devices would indicate the respective devices initiating the communications without communication of identification information of the printers illustrating that alternatives apart from the claim limitations exist and the claim limitations of receiving identification information for a plurality of peripheral devices are not inherent.

Appellants respectfully submit the first receiving limitations are not disclosed by Sampath and the 102 rejection of the claims is in error for at least this reason.

Independent claim 43 also recites that the *peripheral device management method performed by the management apparatus comprises formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds.*

At page 13 of the Examiner's Answer, the Office relies upon the teachings of Sampath at page 6, lines 3+ as allegedly teaching the above-recited limitations. As set forth in the Brief of Appellants, these teachings refer to the *diagnostic server 100 (which is relied upon as teaching the claimed management apparatus) receiving information from the printers* and fails to teach or suggest the claimed limitations of the method performed by the *management apparatus comprising formulating the configuration data as well as communicating the configuration data to the peripheral devices* as is also recited in claim 43.

The Office at page 13 of the Examiner's Answer states that repairing a machine is synonymous with configuring a machine or restoring a machine. The Office further states that Sampath will do what is necessary to repair the faulty device and repair is configuration to a working or a repaired state and may be replacing ink resulting in full ink cartridges. Appellants respectfully submit that repairing a printer and replacing ink in a printer fail to provide any teachings with respect to *configuration data* let alone the positively recited management method performed by the management apparatus *comprising formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds.*

The Office refers to col. 7, lines 4+ of Sampath as allegedly teaching the formulating limitations recited in the claims. These teachings of Sampath disclose that if a printer has encountered a fault, such as a need for recalibration, the diagnostic server can initialize an automatic repair sequence by sending appropriate control signals back to the printer. The Office has failed to identify any teachings that the generic control signals sent back to the printer disclose the explicitly claimed limitations of *formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds* in combination with the other limitations of claim 43 *reciting receiving threshold information regarding a plurality of thresholds corresponding to operations of respective ones of the peripheral devices.* Furthermore, the additional

teachings of col. 7 of Sampath are void of any teachings with respect to thresholds or *formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds.*

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath and the 102 rejection of the claims is in error for at least this reason.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument B

Appellants respectfully submit that the 102 rejection of claim 53 over Sampath is improper for the reasons set forth in the Brief of Appellants and the reasons herein.

Claim 53 recites *first receiving identification information regarding a plurality of peripheral devices individually configured to consume a consumable.*

Applicants respectfully submit that these limitations of independent claim 53 are not disclosed nor inherent by the teachings of the prior art and the 102 rejection is in error for at least this reason.

The paragraphs on page 14 of the Examiner's Answer regarding argument B and the first paragraph on page 15 are verbatim copies of paragraphs asserted by the Examiner under Argument A of the Examiner's Answer.

Applicants respectfully submit the above-recited limitations of *first receiving identification information regarding a plurality of peripheral devices individually configured to consume a consumable* are not disclosed by Sampath nor inherent from the teachings of Sampath for the reasons discussed above with respect to Argument A and the reasons discussed in the Brief of Appellants.

Appellants respectfully submit that the above-recited limitations of receiving identification information is not disclosed by Sampath nor inherent from the teachings of Sampath and the 102 rejection is in error for at least this reason.

Furthermore, independent claim 53 recites *defining a plurality of different groups individually comprising different ones of the peripheral devices.*

The Office at page 15, second full paragraph of the Examiner's Answer states that a set of printers is a group and a set of printers being monitored is a

group. However, the Office fails to recite any teachings in Sampath which disclose plural sets of printers, monitoring plural sets of printers, defining plural sets of printers, or the claimed limitations of *defining a plurality of different groups individually comprising different ones of the peripheral devices*. Appellants have electronically searched Sampath and failed to locate any teachings in Sampath regarding groups or sets of printers.

Further referring to the second full paragraph of page 15, the Abstract of Sampath states that failure data from plural printers may be pooled. The pooling of information fails to teach or suggest the claimed limitations of *defining a plurality of different groups individually comprising different ones of the peripheral devices*.

The Examiner states that an example of the monitored electronic devices include printers but could be used for copiers or other electronic devices which could also be seen as groups. The Office has failed to identify any teachings in Sampath that printers, copiers or other devices are grouped together and the teachings in Sampath that the monitored devices may be printers, copiers or other devices fails to teach the explicitly claimed limitations of *defining a plurality of different groups individually comprising different ones of the peripheral devices*.

The Examiner further states that both sections of Sampath including the Summary and the Detailed Description are part of the disclosure of Sampath. However, the entirety of Sampath including the Summary and Detailed Description sections are void of teaching plural groups of printers or plural sets of printers and Sampath fails to teach the claimed limitations of *defining a plurality of different groups individually comprising different ones of the peripheral devices*.

Appellants respectfully submit that the above-recited limitations are not disclosed by Sampath nor inherent from the teachings of Sampath and the 102 rejection is in error for at least this reason.

Claim 53 additionally recites *for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data*.

In the Office Action, the Office relied upon alleged inherency as teaching the above-recited limitations. Appellants respectfully submit inherency is improper for the reasons set forth in the Brief of Appellants.

Now in the Examiner's Answer, the Office states without identification of teachings in Sampath that Sampath teaches pooling of failure data. However, *there is no teaching or suggestion that data is pooled based upon groups* and the generic pooling teachings of Sampath fail to disclose for an individual group, combining statuses of respective peripheral devices of the group as claimed.

The Office also relies upon the teachings of col. 4, lines 55-66 of Sampath as teaching the above-recited limitations. The itemization of one or more components which have failed does not disclose combining statuses of plural devices providing combined status data let alone combining statuses of devices for an individual one of the groups. Furthermore, the teachings of col. 4, lines 55-62 of Sampath fail to disclose any combining of statuses of plural peripheral devices as alleged by the Office let alone combining statuses of devices for an individual one of the groups. Furthermore, the teachings of col. 4, lines 62-66 of Sampath fail to teach an itemized list as alleged by the Office and also fail to teach the claimed limitations of for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath and the 102 rejection of the claims is in error for at least this reason.

Claim 53 also recites *comparing the combined status data with respect to a threshold*.

In the Office Action, the Office failed to identify any prior art teachings which allegedly disclose the above-recited limitations.

Now in the Examiner's Answer, the Office relies upon teachings of col. 6, lines 22-46 of Sampath as allegedly teaching the above-recited limitations. Applicants initially note that *these teachings are void of any reference to a threshold* and accordingly may not be fairly considered to teach the above-recited limitations of comparing the combined status data with respect to a threshold.

Furthermore, these Sampath teachings are void of any disclosure of combined status data and may not be fairly considered to teach the comparing limitations for this additional reason.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath and the 102 rejection of the claims is in error for at least this reason.

Claim 53 also recites initiating an action with respect to replenishment of the consumable for the peripheral devices of the group responsive to the comparing indicating the combined status data triggering the threshold.

Appellants respectfully submit that the teachings of col. 7, lines 39-45 of Sampath relied upon by the Office in the Office Action as teaching these limitations is improper for the reasons set forth in the Brief of Appellants.

Appellants also respectfully submit that the new teachings of col. 8, lines 13-16 of Sampath relied upon in the Examiner's Answer also fail to teach the above-recited limitations. These teachings generically disclose that if an action request is for a part, then the request is forwarded to a consumable supplier. These teachings are void of any teachings of a group of peripheral devices, replenishing a consumable for the peripheral devices of the group, or combined status data triggering a threshold let alone the specifically claimed limitations of initiating an action with respect to replenishment of the consumable for the peripheral devices of the group responsive to the comparing indicating the combined status data triggering the threshold.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath and the 102 rejection of the claims is in error for at least this reason.

Appellants respectfully submit that numerous limitations of claim 53 are not disclosed by Sampath and Appellants respectfully request reversal of the 102 rejection of the claim for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument C

Independent claim 54 recites a peripheral device consumable management apparatus. The apparatus comprises a *communications interface configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices.*

The Office in the Office Action relied upon the generic I/O interface 130 teachings of Sampath as allegedly teaching the above-recited limitations.

Appellants respectfully submit the claimed communication interface limitations specifically recited in claim 54 are not disclosed by the generic I/O interface teachings of Sampath for the reasons set forth in the Brief of Appellants.

Appellants respectfully submit that the Examiner's Answer fails to identify teachings in the prior art which disclose the above-recited communications interface limitations. The Office without reference to any Sampath teachings, baldly states at page 17 of the Examiner's Answer that "Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network." Appellants respectfully submit that the assertion by the Office that Sampath discovers or detects devices is not supported by any teachings in Sampath. Appellants also respectfully submit that the mere monitoring of devices fails to teach that the devices are discovered or detected. Other alternatives exist apart from discovery or detection of the devices (for example the diagnostic server could be provided with a list of the devices without discovery or detection, or alternatively the devices may be programmed to communicate with the server without any discovery or detection). The existence of alternatives apart from discovery of the peripheral devices as claimed illustrates that the above-recited limitations are not inherent since the positively claimed limitations of claim 54 of the *communications interface configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices* do not necessarily flow from the teachings of Sampath.

The Office further refers to col. 2, lines 6-13 and col. 6, lines 7-13 of Sampath as allegedly teaching the above-recited limitations. However, the teachings that the electronic systems of Sampath may be printers fails to teach the claimed limitations of the communications interface recited above. The teachings of cols. 2 and 6 of Sampath identified by the Office fail to provide any teachings regarding *outputting a communication configured to initiate discovery of a plurality of peripheral devices of a common network or receiving identification information of the discovered peripheral devices responsive to the outputting of the communication.*

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath and the 102 rejection is in error for at least this reason.

Claim 54 further recites that the management *apparatus comprises processing circuitry coupled with the communications interface and configured to access the identification information and the status information, to process the status information, and to initiate an action with respect to replenishment of the consumable for the at least one of the peripheral devices responsive to the processing of the status information.*

The Brief of Appellants included arguments regarding the failure of Sampath to teach the claimed processing circuitry. In the Examiner's Answer, the Office fails to address Appellants' arguments regarding the failure of Sampath to teach the claimed processing circuitry and fails to identify teachings in Sampath which disclose the claimed processing circuitry.

Appellants respectfully submit the above-recited processing circuitry limitations are not disclosed by Sampath for the reasons herein and the Brief of Appellants.

Appellants respectfully submit that numerous limitations of the claims are not disclosed by Sampath and Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument D

Claim 45 defines the method performed by the management apparatus of claim 43 and recites *outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices* responsive to the discovery.

Claim 57 recites that *the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of instructions configured to cause an entity inside the firewall to discover presences of the*

peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices.

The Office relies upon the same teachings of col. 2, lines 28-34 of Sampath as relied upon in the Office Action as allegedly teaching the above-recited limitations. Appellants respectfully submit these generic teachings in col. 2 fail to disclose the above-recited limitations. In particular, the teachings merely disclose that systems and methods of Sampath may be used to account for network security features such as firewalls. However, the generic firewall teachings of Sampath fail to teach the claimed instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network or the limitations regarding communication of identification information as recited in claims 45 and 57.

Even if Sampath teaches status and identifier communications in an environment of firewalls as alleged by the Office on page 18 of the Examiner's Answer, such generic status and identifier communications fail to provide any teachings regarding discovery of peripheral devices or communication of identification information of the peripheral devices, and accordingly fail to disclose the claimed instructions configured to cause the entity inside of the firewall to discover the peripheral devices or to communicate identification information of the peripheral devices.

Appellants respectfully submit that numerous limitations of the claims are not disclosed by Sampath and Appellants respectfully request reversal of the 102 rejection of claims 45 and 57 for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument E

Claims 47-48 and 61-62 recite combining the statuses for plural peripheral devices to provide combined status data, comparing the combined status data with respect to an order threshold, and initiating shipment of the consumables responsive to the combined data triggering the order threshold (claim 47) or initiating an action with respect to replenishment of the consumable responsive to the comparison of the combined status data triggering the order threshold (claim 61).

Appellants note that the Office relied upon inherency in support of the rejections of claims 47 and 61 in the Office Action. Appellants respectfully submit the limitations of the claims are not inherent for the reasons set forth in the Brief of Appellants.

Now in the Examiner's Answer, the Office relies upon the teachings of col. 4, lines 55-66 and col. 6, lines 19-31 and 58-65 of Sampath as allegedly teaching the above-recited limitations. The itemization of one or more components which have failed of col. 4, lines 55-66 of Sampath does not disclose combining statuses from plural peripheral devices providing combined status data or comparing the combined status data with an order threshold. Furthermore, the teachings of col. 4, lines 62-66 of Sampath fail to teach an itemized list as alleged by the Office and also fail to teach the claimed limitations.

The Office also relies upon the teachings of col. 6, lines 19-31 and 58-65 of Sampath as allegedly teaching the above-recited limitations. However, these teachings are void of the claimed limitations of comparing the combined status data with respect to an order threshold or the claimed limitations of initiating shipment of the consumables responsive to the combined data triggering the order threshold (claim 47) or initiating an action with respect to replenishment of the consumable responsive to the comparison of the combined status data triggering the order threshold (claim 61).

The prior art void of teaching the claimed limitations of combining data from plural peripheral devices to form combined data, comparison of the combined data to a threshold or the initiating responsive to the comparison.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument F

Claims 48 and 62 recite *defining a plurality of different groups of the peripheral devices*, and the combining the statuses comprises *combining the statuses of the peripheral devices of one of the groups*.

The pooling of information of Sampath fails to teach or suggest the claimed limitations of *defining a plurality of different groups of the peripheral devices* as positively claimed. The Office alleges that Sampath teaches pooling of data which is the same as pooling or grouping the data. However, the pooling or grouping of the data fails to teach or suggest *defining a plurality of different groups of the peripheral devices* as positively claimed.

In addition, the providing of status information including an itemization of one or more components within the system which actually failed per col. 4, lines 62-66 of Sampath fails to teach the limitations of *defining different groups of peripheral devices* or *combining the status of the peripheral devices of a group*.

Furthermore, the teachings of col. 4, lines 55-62 of Sampath disclose generation of status information but fail to teach or suggest combination of status information let alone *combining the statuses of the peripheral devices of one of the groups*.

In addition, the teachings of col. 4, lines 62-66 of Sampath fail to teach an itemized list as alleged by the Office and also fail to teach the claimed limitations of *combining the statuses of the peripheral devices of one of the groups*.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument G

Claim 63 recites that the peripheral device management method performed by the management apparatus comprises *formulating the configuration data to cause the configuration of the peripheral devices comprising setting the thresholds of the peripheral devices*.

The Office again refers to the teachings of col. 6, lines 3+ of Sampath in support of the rejection and which were relied upon in the Office Action. These teachings merely state that the circuit 150 of the diagnostic server for one example receives status information from one printer with respect to one threshold and can help avert a particular failure in the printer. This analysis of status information *received from a printer* for one threshold as taught by Sampath is *void of any teachings regarding setting thresholds of peripheral devices* let alone the specifically claimed *formulating the configuration data to cause the configuration of the peripheral devices comprising setting the thresholds of the peripheral devices*.

At page 19 of the Examiner's Answer, the Office makes various statements regarding repairing a machine which even if are disclosed by Sampath fail to teach or suggest the claimed limitations of *formulating the configuration data to cause the configuration of the peripheral devices comprising setting the thresholds of the peripheral devices*. Furthermore, operations of Sampath after a threshold has been triggered fail to teach setting of the threshold itself.

The Office also relies upon the teachings of col. 7, lines 4-8 of Sampath as teaching the claimed limitations. These teachings are void of any reference to a threshold let alone setting a threshold.

The Office also appears to rely upon inherency in support of the rejection by alleging that thresholds are inherently a part of a machine's configuration. Appellants disagree with this unsupported assertion but also submit that, even if true, the mere fact that thresholds are part of a machine's configuration does not teach the claimed limitations of formulating the configuration data to cause the setting of thresholds. The Office has failed to demonstrate that these limitations are inherent from the teachings of Sampath. Finally, the Office has failed to identify any teachings in Sampath with respect to setting of a threshold or that recalibration of a printer of Sampath comprises setting a threshold.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument H

Claim 64 recites that the communicating of the peripheral device management method performed by the management apparatus of claim 43 comprises *first communicating the configuration data to an entity for review of the configuration data and second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity.*

The Office continues to refer to the same teachings of col. 6, lines 3+ of Sampath as relied upon in the Office Action as allegedly teaching the above-recited limitations. These teachings of Sampath provide that the circuit 150 of the diagnostic server *receives status information from one printer* with respect to one threshold and can help avert a particular failure in the printer. This analysis of status information *received in the diagnostic server (alleged to teach the management apparatus of the claims) from a printer* for one threshold as taught by Sampath is *void of any teachings regarding the method performed by the management apparatus of communicating configuration data to an entity for review of the configuration data*. The teachings of col. 6 relied upon by the Examiner are also void of teaching or suggesting any configuration of the peripheral devices let alone *second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity*.

The Office also refers to col. 7, lines 4-8 of Sampath and alleges that Sampath teaches detecting failure, repairing a faulty device, and recalibrating a faulty device. These teachings fail to disclose or suggest any teachings of the management apparatus communicating with an entity as claimed let alone *first communicating the configuration data to an entity for review of the configuration data* and *second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity*.

Furthermore, the Office has established no basis as to how the above-recited limitations could be considered to be inherent from the teachings of Sampath.

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument I

Claim 65 recites *the communications interface of the peripheral device consumable management apparatus outputs the communication to initiate discovery of the plurality of peripheral devices of the common network, receives the identification information of the discovered peripheral devices responsive to the outputting of the communication, and receives the status information regarding the status of the consumable for the at least one of the peripheral devices.*

The Office has relied upon the diagnostic server of Sampath as teaching the claimed management apparatus. However, the receiving of information within the diagnostic server of Sampath fails to teach the claimed limitations that the *communications interface of the peripheral device consumable management apparatus outputs the communication to initiate discovery of the plurality of peripheral devices of the common network.*

Furthermore, the Office without reference to any Sampath teachings, baldly states that “Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network.” Appellants respectfully submit that the assertion by the Office that Sampath discovers or detects devices is not supported by any teachings in Sampath. Appellants also respectfully submit that the mere monitoring of devices fails to teach that the devices are discovered or detected. Other alternatives exist apart from discovery of the devices (for example the diagnostic server could be provided with a list of the devices without discovery or detection, or alternatively the devices may be programmed to communicate with the server without any discovery or detection). The existence of alternatives apart from discovery of the devices illustrates that the above-recited limitations are not inherent.

The Office further refers to col. 2, lines 6-13 and col. 6, lines 7-13 of Sampath as allegedly teaching the above-recited limitations. However, the teachings that the electronic systems of Sampath may be printers fails to teach the claimed limitations of the communications interface of the management apparatus

recited above. The teachings of cols. 2 and 6 of Sampath identified by the Office fail to provide any teachings regarding *outputting a communication to initiate discovery of a plurality of peripheral devices of a common network or receiving identification information of the discovered peripheral devices responsive to the outputting of the communication.*

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Argument J

Claim 66 recites *the processing circuitry of the peripheral device consumable management apparatus is configured to control the communications interface to output the communication to initiate the discovery of the plurality of peripheral devices of the common network.*

The Office has relied upon the diagnostic server of Sampath as teaching the claimed management apparatus. However, the receiving of information within the diagnostic server as relied upon by the Office fails to teach the claimed limitations of the *processing circuitry of the peripheral device consumable management apparatus is configured to control the interface to output the communication to initiate discovery of the plurality of peripheral devices of the common network.*

Furthermore, the Office has failed to identify any support in the teachings of Sampath for the allegation of the Examiner's Answer that "Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network." Appellants respectfully submit that the assertion by the Office that Sampath discovers or detects devices is not supported by any teachings in Sampath. Appellants also respectfully submit that the mere monitoring of devices fails to teach that the devices are discovered or detected. Other alternatives exist apart from discovery of the devices (for example the diagnostic server could be provided with a list of the devices without discovery or detection, or alternatively the devices may be programmed to communicate with the server without any discovery or detection). The existence of alternatives apart from discovery to

implement the monitoring of Sampath illustrates that the above-recited limitations are not inherent.

The Office further refers to col. 2, lines 6-13 and col. 6, lines 7-13 of Sampath. However, the teachings that the electronic systems of Sampath may be printers fails to teach the claimed limitations of the processing circuitry recited above. In particular, the teachings of cols. 2 and 6 of Sampath identified by the Office *fail to provide any teachings regarding discovery of peripheral devices let alone the processing circuitry of the peripheral device consumable management apparatus is configured to control the communications interface to output the communication to initiate the discovery of the plurality of peripheral devices of the common network.*

Appellants respectfully submit the above-recited limitations are not disclosed by Sampath.

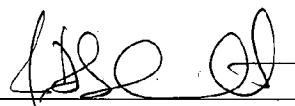
Appellants respectfully request reversal of the 102 rejection of the claims for at least the reasons herein as well as the reasons set forth in the Brief of Appellants.

Conclusion

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

Respectfully submitted,

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